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ABSTRACT

Policies governing external and offload employment of faculty in Maryland public higher education institutions are addressed, with attention directed to the relationship of external employment to the roles and missions of higher education institutions, current policies and regulations at Maryland public institutions, and policies used by peer institutions in other states. One mechanism available for fulfilling part of the university's public service responsibility is to permit and encourage individual faculty to consult or to provide professional services. Outside employment can also enhance the competence of the faculty member through contact with current problems and developments. This allows the individual to provide better service to students and colleagues within the institution and may help focus attention on productive areas for study or research. Policies of the institution are based on the need to protect an investment in individual faculty members by assuring that they are meeting their full-time responsibilities to the institution. External employment refers to compensated work performed for individuals or organizations other than the institution where the person is employed full-time. Offload or overload is interpreted to mean compensated overload employment within the institution beyond the full-load requirements of the individual. The policies of specific universities and sectors/levels are specified. The policies at Maryland universities and four-year colleges are generally consistent with those of peer institutions across the country. Institutions supplying information on policies are identified. (SW)

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A Summary of Institutional Policies Affecting Outside and Offload Employment for Faculty at Maryland Public Higher Education Institutions

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FOREWORD

The State Board for Higher Education has prepared this report on policies governing external and offload employment of faculty in response to the April, 1982 Report of the Joint Chairmen of the Senate Budget and Taxation Committee and the House Appropriations Committee. The report describes the current policies at Maryland public higher education institutions and provides comparative information about the policies of peer institutions in other states.

We are grateful for the cooperation and assistances provided by the segments of higher education in Maryland and to the presidents of the peer institutions in other states who responded to our survey. Sandra Allard of the Division of Finance and Facilities had primary responsibility for this report.

Sheldon H. Knorr
Commissioner

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SECTION I

INTRODUCTION

The 1982 report of the chairmen of the Senate Budget and Taxation Committee and the House Appropriations Committee included a request that the State Board for Higher Education present a report concerning institutional policies affecting faculty outside and offload employment and the extent of such employment in public higher education. Specifically the Joint Chairmen's report requests information concerning the following:

1. Current policies and regulations of the institutions regarding offload and outside employment.

2. The number of faculty members included in outside or offload employment.

3. The extent of time devoted to the outside or offload employment.

4. The nature of the offload or outside employment.

This report includes a discussion of the first topic, current policies and regulations regarding offload and outside employment.

Most institutions in Maryland collect information concerning the involvement of individual faculty members in outside or offload employment. This information is not available at an aggregate level since it is often retained by each department and the pieces of information collected frequently differ by department. To provide a comparable and comprehensive analysis of the number of faculty engaged in external or offload employment, the amount of time they devote and the nature of the work would require a survey of all faculty members. Serious consideration must be given to the benefits of conducting a survey of all faculty in public institutions in Maryland since it would cost more than $10,000

to accomplish exclusive of staff time. The policies themselves give some insight to the extent of time faculty members may be allowed to devote to outside employment within the terms of their contracts, and the nature of the work that is construed by the institution to be acceptable.

The central issue in the analysis and evaluation of external and offload employment is whether or not the policies and regulations provide a reasonable assurance that a faculty member is meeting fully all the responsibilities to the institution associated with a full-time appointment. A review of the policies themselves and the procedures used by the institution to implement the policies will allow a reasonable evaluation of their adequacy.

This paper provides a discussion of the relationship of external employment to the roles and missions of higher education institutions, a summary of current policies and regulations at Maryland public institutions, and an overview of the policies used by peer institutions across the country.

SECTION II

RELATIONSHIP OF EXTERNAL EMPLOYMENT TO INSTITUTIONAL ROLE AND MISSION

One of the primary responsibilities of higher education institutions is to disseminate information, particularly new information to the larger community. This is accomplished in a variety of ways ranging from highly institutionalized delivery systems such as the agricultural extension service, to publications, radio and television programs, to ad hoc lectures or programs open to the public. One mechanism available for fulfilling part of this public service responsibility is to permit and encourage individual faculty to consult or to provide professional services.

External consulting or service by individual faculty members can yield substantial benefits to the institution and the community, as well as to the individual if precautions are taken to insure that key resources are not diverted from the institution's primary missions of instruction, research, and direct public service. As noted earlier, individual faculty consulting or service is an important mechanism for fulfilling the institution's public service responsibility. Simultaneously, outside employment can enhance the competence of the faculty member by keeping him or her in touch with current problems and developments in his or her area of expertise as applied in the larger society. This allows the individual to provide better service to students and colleagues within the institution and may help focus attention on productive areas for future study or research. In addition, the reputation of the institution itself is enhanced when faculty members provide high quality services to business, industry, governmental agencies, and professional societies and organizations.

Permitting faculty to engage in external employment opportunities also makes it possible for campuses to compete effectively in their efforts to attract and retain top professionals who have skills widely sought by business and industry. Most institutions cannot compete on a direct salary basis alone in fields such as business and engineering.

Business and industry, government and the community benefit by being able to draw on the expertise available in the academic community. The ability to bring in a highly qualified individual to address a specific problem or project is much more efficient and effective for these organizations than attempting replicate these capabilities among their own full-time employees.

For faculty members, external employment opportunities allow them to interact with non-academic colleagues in their fields, and to develop a better understanding of the applications of their disciplines in the non-academic world. They also may provide opportunities to work with academic colleagues from other institutions to address problems or to participate in research projects which could not be supported within a single institution of higher education.

The previous paragraphs summarize a few of the more obvious benefits to be derived from external employment by individual faculty members. However, the potential benefits must be balanced against the basic requirements of the institution to provide instruction, research and public service. The institution must act to ensure that its own services are being provided at a satisfactory level of quality before allowing individuals to make commitments beyond their full-time responsibility to the institution.

It is in this context that institutions have developed policies and regulations governing external and offload employment. A review of the policies at Maryland public institutions and peer institutions across the country indicates that there are a variety of approaches being used. They range from

having no formal policy regarding external or offload employment to a policy of no external employment. Some policies are very detailed in such areas as the time that may be devoted to such activities, the nature of acceptable activities, potential conflicts of interest, and use of institutional resources. Others have much less written policy but require prior review and approval of all external employment. Regardless of the level of detail, the policies are based upon the segment's/institution's need to protect its investment in individual faculty members by assuring that they are meeting their full-time responsibilities to the institution. Once this condition is met, then the ability to respond to external opportunities can be beneficial to all concerned.

SECTION III

EXTERNAL AND OFFLOAD EMPLOYMENT POLICIES AND REGULATIONS AT MARYLAND PUBLIC INSTITUTIONS

The policies governing external and offload employment at Maryland public higher education institutions are established by the segment governing boards in the case of four-year colleges and universities, and by the local governing board at each of the two-year colleges. In all cases, the policies are designed to assure that the faculty meet their full-time obligation to the institutions, and there are substantial similarities among policies. However, because the policies have been determined by the respective governing bodies, there are variations in the details of the policies which have been adopted. The current policies are summarized below in three sections: the University of Maryland, Other Four-Year Colleges and Universities, and the Community Colleges. Morgan State University and St. Mary's College of Maryland are included with the institutions of the Board of Trustees of the State Universities and Colleges because their policies are quite similar. The complete responses provided by the segments to the request for information about existing policies are on file in the SBHE office.

For purposes of this discussion, external employment refers to compensated work performed for individuals or organizations other than the institution where the person is employed full-time. Offload or overload is interpreted to mean compensated overload employment within the institution beyond the full-load requirements of the individual.

UNIVERSITY OF MARYLAND

The University of Maryland Board of Regents has adopted a detailed policy statement entitled "Outside Professional Consultancy and Extra-University Professional Services." This policy is grounded in the belief that prudently chosen external opportunities can yield substantial benefits to the University and to the community. Its components are geared toward encouraging selective interactions between the faculty and staff and the community while protecting "... the human, physical and financial resources assignable to the University's central mission ..." Thus the first component of the policy is a statement of the professional commitment required by a full-time appointment at the University of Maryland. The policies note that individuals may have responsibilities in varying proportions in the areas of instruction, student advisement and direction, research, service, and administration. The second component of the University's policy the heart of the policy, requires that the individual fulfill his full-time commitment to the University as stated below:

> "Consulting projects of a professional nature and other extra-University professional activities, either donated or income producing, may be undertaken only when it is assured that all University responsibilities associated with a given position are fully satisfied and can continue to be met."

The remainder of the University of Maryland policy is devoted to specific implementation practices associated with the policy. For example, reports of paid extra-University professional work are required to be made to the head of the individual's administrative unit at the end of each semester. Summaries of the reports by department are sent to the Chancellor's office on each campus. Paid service to another state agency in Maryland requires advance approval involving the Chancellor's and the President's office. Individuals are not required to report extra-University work undertaken while on official leave or during non-contracted employment periods (e.g., during summer if the individual

is not employed full-time during a Summer Session). The University policies specify that external services should be undertaken only when they provide the opportunity of enhancing professional competence.

Individuals are cautioned to avoid conflicts of interest, conflicts with the University patent policy, and that outside work may not convey the endorsement by the University of any recommendations or findings. The policy also specifies that University resources are not to be used unless prior arrangements are made to reimburse the University.

In addition to the topics covered in this policy statement, the University has a separate policy governing overload teaching within the University of Maryland including service to the University College. In general, individuals holding full-time appointments may teach no more than one course per term (3 semester hours) or two courses per academic year (6 semester hours) on an overload basis.

OTHER PUBLIC FOUR-YEAR COLLEGES AND UNIVERSITIES

The policies concerning external and offload employment for faculty at the institutions of the Board of Trustees of the State Universities and Colleges, Morgan State University and St. Mary's College of Maryland have many similarities to one another and therefore are discussed as a group. However, it should be remembered that each segment governing board is responsible for establishing policies for institutions under its jurisdiction.

With respect to external employment, BTSUC and St. Mary's have a specific clause in the faculty contract regulating this activity. The clause in the BTSUC faculty contract reads as follows:

> "The Faculty Member, with the written consent of the President may engage in limited employment for remuneration outside the university/college or carry a limited amount of part-time graduate work during the regular academic year provided that such activities

on the part of the Faculty Member would not unduly interfere with the Faculty Member's duties at the university/college."

The language in the St. Mary's contract is almost identical. The requirement of written consent of the President provides these institutions with a strong mechanism for monitoring the external employment level of individual members.

The BTSUC has adopted additional policies which define the maximum amount of time that a full-time faculty member may devote to external professional employment activities. Basically, the BTSUC guideline limits external employment to no more than 20 percent of the faculty member's time, i.e. the equivalent of one day's work per week. In addition, the faculty member is not eligible to accept such employment if he is teaching or participating in research or a grant at the institution on an overload basis.

The written policies of Morgan State University address external employment only in the area of teaching at other institutions. The policy states:

> "A faculty member may teach a maximum of four credit hours a semester at another institution for extra pay provided he has the written permission of the Academic Dean and the President."

In addition to policies governing external employment, BTSUC and Morgan State have specific policies with regard to compensated overload within the institution. The Morgan State policy states:

> "A faculty member may teach only one course on an overload basis during the regular session for which he shall not be paid more than the amount established on a scale approved by the Board."

The BTSUC policy on overload teaching within the institution is essentially the same. However, the BTSUC policy also regulates the amount of time an individual may devote to compensated research, grant or contract work within the institution on an overload basis and specifies that a faculty member may not teach a course on an overload basis and receive additional compensation for a grant or contract project during the same regular term. Overall, the BTSUC

policy limits overload and external employment to an amount equal to 20 percent of the faculty member's full time appointment and limits total compensation from the institution for regular and overload appointment to 120 percent of the amount established for teaching full-time at his rank and step. The policies at St. Mary's College do not address the issue of overload responsibilities within the institution as a separate item other than to specify in the contract that the teaching assignment shall be determined by the president of the college.

While the policies of BTSUC, Morgan State University and St. Mary's College vary in their particulars from one another and from that of the University of Maryland, they nontheless fulfill the same purpose. That is, they are designed to assure that the individual faculty member is meeting his full-time obligation to the university or college.

COMMUNITY COLLEGES

The seventeen public community colleges in Maryland are governed by local boards and consequently there is no single formal policy governing external and offload employment for the entire segment. There is considerable variation in policy from one institution to the next, but for purposes of this discussion the community colleges can be divided into four groups:

1. Institutions with formal policies governing external employment and overload employment within the institution;
2. Institutions with formal policies governing overload employment within the institution only;
3. Institutions with formal policies governing external employment only; and
4. Institutions with no formal policies in either area.

Seven community colleges have formal written policies governing both external employment and overload employment within the institution. Institutions included in the group are Allegany Community College, Catonsville Community College, Charles County Community College, Hagerstown Junior College, Howard Community College, Montgomery College, and Prince George's Community College. With regard to external employment, the policies generally stipulate that such employment is permitted, and in some cases encouraged, provided that the individual is meeting fully all responsibilities to the institution. Most of these institutions require approval or reports of external employment. In the area of overload teaching within the institution, five of these institutions limit overload to one course per term and the others specify a maximum of two courses per term. Some of the policies specify that instruction for other institutions is to be counted toward the overload limitation. Beyond these two main policy areas, individual institutional policies address areas such as full-time workload, compensation for overload, professional ethics and reporting requirements.

Five community colleges provided information indicating that they had formal policies regarding overload employment within the institution only. Included in this group are Anne Arundel Community College, Community College of Baltimore, Dundalk Community College, Essex Community College, and Garrett Community College. It should be noted that while Essex Community College does not have a written policy regarding outside employment, it does attempt to monitor outside employment by requesting information from faculty about such employment each semester. Three of the institutions in this group specified in their responses that they did not have a formal policy with regard to external employment.

The policies at Dundalk and Essex governing overload within the institution are similar to those in the first group of institutions and limited to overload

to three equivalent hours per semester not to exceed six equivalent hours per academic year. Anne Arundel calculates workload in faculty load hours with 15 faculty load hours being the normal load for full-time faculty. Faculty are limited to five faculty load hours of overload per semester for teaching or non-teaching duties. The policies at the Community College of Baltimore and Garrett Community College specify the full-time workload and that faculty will be compensated for loads in excess of the full-time base. Neither specifies a ceiling for overload.

Chesapeake College and Wor-Wic Tech Community College provided a formal policy regulating external employment only. Both policies specify that external employment should not conflict with responsibilities to the college. The Chesapeake College policy requires written approval from the president prior to accepting external employment. The Wor-Wic Tech policy indicates that employees may be required to disclose information concerning outside employment. In their response, officials at Chesapeake College also indicated that they attempted to use full-time faculty for overload teaching when appropriate even though they did not indicate the existence of a formal policy with regard to overload.

Three community colleges indicated that they do not have formal written policies governing external or overload employment at this time. They are Cecil Community College, Harford Community College, and Frederick Community College. Frederick Community College identified in its response practices in place which have the effect of policy. Faculty may teach one overload per semester and two during summer school at Frederick and permission for outside employment is referred to the Dean of the College or the President for approval. The response also notes however that outside employment is difficult to control, and that

for some activities such as farming, running a business, writing a book or running for office no permission is requested.

Cecil Community College indicated that while there was no written policy governing outside or overload employment, that teaching overloads required the approval of the Divisional Chairman and the Dean of Instruction. Normally overloads are limited to two classes in summer and one per semester in Fall and Spring.

Harford Community College officials indicated that there was no longer a policy because of the difficulty of uniform and equitable enforcement. However, associate deans authorize overloads in instructional division and the college takes the general position that outside employment cannot interfere with professional responsibilities at Harford.

As this summary indicates, there is considerable variation in the formal policies governing external and offload employment at the community colleges. However, overall the formal and informal policies are directed to the goal of assuring that individual's meet their full-time responsibilities to the institution.

SECTION IV

EXTERNAL AND OFFLOAD EMPLOYMENT POLICIES AND REGULATIONS AT PEER INSTITUTIONS

The policies governing external and offload employment at Maryland public institutions may be compared to the policies of similar institutions across the country. Since the four-year public institutions have sets of designated peer institutions, the SBHE limited its comparisons to this group of institutions. To acquire information concerning the policies of other colleges and universities, the SBHE wrote to the heads of those institutions which have been designated as peers for Maryland universities and four-year colleges. Letters were sent to 67 institutions across the country and responses were received from more than 60 percent of those surveyed. A list of responding institutions is provided in Appendix A. Actual institutional responses are on file in the SBHE offices.

As might be expected, there was substantial variation in the policies submitted by the responding institutions. However, while the details of the policies and their implementation varied considerably, the concerns underlying the policies were essentially the same as for Maryland institutions. All of the policies acknowledged the commitment required of full-time faculty to the central functions of the institution, and many of the policies define overload and external employment opportunities which may be undertaken by individual faculty members to the mutual benefit of the individual and the institutions. All of the responding institutions indicated that they had a formal policy in place concerning at least one of these two areas. To provide an overview of current policies in other institutions it is useful to group certain classes

of institutions together.

One group of institutions which constitutes a distinct class is the major research universities. Responses were received from these institutions in California, Illinois, Michigan, Texas and Wisconsin. These institutions tend to treat individual external consulting and other professional activities as an important component of the institution's ability to provide service to the larger society. The policies and regulations developed by these institutions generally encourage such undertakings on the part of faculty members as long as external responsibilities do not interfere with the satisfactory performance of full-time institutional responsibilities. In at least one case, annual reports of external professional activities, compensated and uncompensated, are used by departmental chairpersons in annual performance reviews as evidence of public service and professional contributions. Policies at research universities are usually not precise in limiting the amount of time which may be devoted to outside professional activities so long as institutional obligations are being met. In instances where guidelines are suggested, it is normally recommended that external employment not exceed the equivalent of one day per week. The institutions are about evenly split between those requiring approval at some level prior to undertaking external employment and those requiring only reporting after the fact. Information concerning outside employment is normally retained at the level where it is approved or reported. Such information is not routinely aggregated at the institutional or governing level. Policies governing outside employment at research universities either presume or specifically require that external employment is professionally related and will benefit the individual and the institution.

Most of the research universities indicated that there are policies governing compensation for overload employment within the institution. In most cases,

compensation is provided for instruction by individuals beyond their full load requirements. Frequently, policies limit the amount of instruction that may be undertaken on an overload basis and/or the amount of compensation that may be earned. There is less consistency in policies governing non-instructional overloads within the institutions. At some institutions no compensation for services other than instruction may be received without an exception approved by the dean or chief executive. In other instances, comprehensive policies governing compensation for all manner of overload activities have been developed. However, there is a general tendency for policies to assume that the individual has a wide range of responsibilities to the institution as a consequence of a full-time faculty appointment and that compensation for overload should be reserved for extraordinary and/or unanticipated circumstances.

A second group of institutions which emerges is public universities and colleges which do not have the extensive mission commitment to research associated with institutions in the first group, but nonetheless have substantial instruction and public service responsibilities, as well as a more limited research component. Institutions in this category in general have policies which encourage individual faculty members to participate in external professional activities which do not interfere with the performance of responsibilities to the institution. However, the policies governing external employment at these institutions are somewhat more likely to establish specific limits on the amount of time which may be devoted to such activities (e.g., one day per week, 18 working days per academic year, four days per month). In addition most of these institutions require approval or at least notification of designated administrative personnel prior to accepting outside employment.

In the area of compensation for overload assignments within the institutions, the policies are very similar to those of research universities. In most instances

the policies speak primarily to instructional overloads, although compensation can be granted for other assigned overload responsibilities. In those cases where the faculty contract has been negotiated through collective bargaining, the collective bargaining agreement is normally quite specific in the definition of full-load and overload, the methods for assigning overloads, and how compensation for overload will be determined.

The third group of institutions responding to the request for policies consisted of the small independent, residential liberal arts colleges which have been designated as peers for St. Mary's College. Most of these institutions discourage external employment. In one case external employment of full-time faculty is forbidden and there is no overload teaching. The institutions within this group which permit external employment require prior approval or consultation with designated institutional administrators. Two of the institutions exclude occasional consulting, individual research, writing and occasional lectures from the external employment policy. Most of these institutions either have no overload policy, or provide that instructional load be balanced through the academic year (e.g., if a faculty member has an overload one term, he will have a reduced load the next).

The policies of these institutions are obviously quite different from those of the other respondents to the survey. These small residential institutions place their highest priority on undergraduate instruction. While individual faculty members may be expected to do scholarly research in their respective disciplines, these are not research oriented institutions.

SUMMARY

This overview of the policies of other institutions across the country governing external employment and overload demonstrates that the policies at Maryland universities and four-year colleges are generally consistent with those of peer institutions across the country. While there are many variations in the details of policies and regulations that arise from such things as differences in state statutory requirements, political environment, and collective bargaining agreements, all policies tend to have certain essential characteristics in common. First, virtually every policy specifies that a full-time faculty appointment is a full-time commitment to the institution involving components of instruction, advising, research, institutional and public service responsibilities. Second, external or overload responsibilities may not interfere with the individuals full-time assignment. Third, there is some procedure at the institutional level for monitoring external or overload employment, either through prior approval requirements, or end-of-term or annual reporting requirements. In addition, many policies provide guidelines concerning the extent of time which should normally be expended in external or overload employment. The policies at Maryland institutions generally share these characteristics.

APPENDIX A

Institutions Responding to Request for Information concerning External and Offload Employment Policies and Regulations for Faculty

University of California - Berkeley
- Davis
- Los Angeles
- San Diego
- San Francisco

University of Illinois - Urbana
- Chicago Circle
- Medical Center-Chicago

University of Michigan - Ann Arbor
- Flint

Michigan State University

University of Texas - Austin
- Dallas
- El Paso
- Permian Basin
- Tyler

Health Sciences - Dallas
- Houston
- San Antonio

University of Wisconsin - Madison
- Milwaukee

California State University - Long Beach
- San Bernardino

Mankato State University

Marshall University (West Virginia)

Sangamon State University (Illinois)

Southern Connecticut State

State University of New York at Brockport
at Buffalo

Western Kentucky University

Youngstown State University (Ohio)

Gettysburg College (Pennsylvania)

Haverford College (Pennsylvania)

Kalamazoo College (Michigan)

Kenyon College (Ohio)

Lake Forest College (Illinois)

Swarthmore College (Pennsylvania)

Chicago State University

North Carolina Central University

Northern Michigan University

University of Delaware